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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,311	11/25/2003	Roger D. Kirk	RRK-101US	7076

7590 05/16/2005  
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EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/721,311

Applicant(s)

KIRK, ROGER D.

Examiner

Luan K Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6, 7, 10 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Watson (5,984,440). Watson discloses a storage apparatus (10, 12) comprising a front surface (19) and a rear wall (15) spaced from each other a distance, a first storage space (60), a second storage space (60), a third storage space (60), a fourth storage space (60) and a removable drip tray (36) disposed below the third storage space. The storage apparatus of Watson is inherently capable for placement within a medicine cabinet and the first, second, third and fourth storage spaces are inherently capable of receiving a toothpaste tube, a container of dental floss, a plurality of toothbrushes and a bottle of dental related fluid respectively. As to claims 6 and 12, Watson discloses the front surface includes a covering door (44).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis (5,215,193) in view of Oswald (6,769,538) or Watson (5,984,440). Dennis discloses a

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dental organizing and storage apparatus (10) comprising a front surface (12) and a rear wall (15) spaced from each other a distance, a first storage (19) space for removable storage of a toothpaste tube (T), a second storage space (29) for removable storage of a container of dental floss, a third storage space (23) for removable storage of a plurality of toothbrushes, a fourth storage space (21) and a plate (32) disposed below the third storage space. Dennis also discloses the other claimed limitations except for a drip tray being disposed below the third storage space. Oswald shows a storage apparatus (100) for holding a variety of artifacts such as toothbrushes and others (column 1, lines 65-67) comprising a plurality of storage spaces for holding the artifacts and a removable drip tray (160) disposed below the storage spaces. Watson discloses a storage apparatus (10, 12) comprising a front surface (19) and a rear wall (15) spaced from each other a distance, a first storage space (60), a second storage space (60), a third storage space (60), a fourth storage space (60) and a removable drip tray (36) disposed below the third storage space.

It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Oswald or Watson to modify the storage apparatus of Dennis so the storage apparatus includes a drip tray disposed below the third storage space to facilitate disposing fluid dripping from the toothbrushes and to provide more convenience for the user.

As to claim 5, Dennis discloses the second storage space (29) includes a slot (Figure 2). As to claims 3 and 9, Dennis discloses the third storage space includes individual supporting structures (49) and a separating partition (48).

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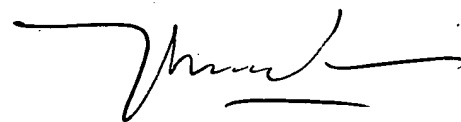
5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 7 above, and further in view of Willey (5,203,473). The storage apparatus of Dennis as modified further fails to show the first storage space comprises a retainer wall with a slot there through. Willey teaches a storage apparatus (10) comprising a storage space (11) having a retainer wall with a slot (17, 18) adapted to receive an axle (35-38) of a toothpaste extractor (Figure 5). It would have been obvious to one having ordinary skill in the art in view of Willey to modify the first storage space of Dennis as modified so the first storage space includes a retainer wall with a slot there through adapted to receive an axle of a toothpaste extractor to provide more convenience for the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb  
May 12, 2005



Luan K. Bui  
Primary Examiner